

1 Allyson N. Ho (*admitted pro hac vice*)
Bradley G. Hubbard (*admitted pro hac vice*)
2 Matthew Scorcio (*admitted pro hac vice*)
Elizabeth A. Kiernan (*admitted pro hac vice*)
Stephen J. Hammer (*admitted pro hac vice*)
3 Bryston C. Gallegos (*admitted pro hac vice*)
Jason J. Muehlhoff (*admitted pro hac vice*)
4 GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, Texas 75201
5 Telephone: (214) 698-3100
Facsimile: (214) 571-2900
6 *aho@gibsondunn.com*

7 Andrew W. Gould
HOLTZMAN VOGEL BARAN
TORCHINSKY & JOSEFIK PLLC
8 2575 East Camelback Rd,
Ste 860
Phoenix, AZ 85016
9 Telephone: (602) 388-1262
State Bar No. 013234
10 *agould@holtzmanvogel.com*

11 David J. Hacker (*admitted pro hac vice*)
Lea E. Patterson (*admitted pro hac vice*)
FIRST LIBERTY INSTITUTE
12 2001 W. Plano Parkway
Ste. 1600
Plano, TX 75075
13 Telephone: (972) 941-4444
dhacker@firstliberty.org

14 *Attorneys for Plaintiff*

15
16 **IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

17 Heather Rooks,

18 Plaintiff,

19 v.

20 Peoria Unified School District,

21 Defendant.
22

CASE NO. 2:23-CV-02028-MTL

**STIPULATED MOTION FOR
DEADLINES AND DISCOVERY**

STIPULATION

1
2 1. Counsel for Plaintiff Heather Rooks and counsel for Defendant
3 Peoria Unified School District conferred about this case's schedule and
4 discovery process. They agree as follows. *See* Fed. R. Civ. P. 29(b).

5 2. The District agrees to answer the complaint rather than file a
6 Rule 12 motion to dismiss.

7 3. Rooks agrees not to move for a preliminary injunction.

8 4. Peoria Unified School District Governing Board meeting videos
9 posted on the District's YouTube channel, [https://www.youtube.com/](https://www.youtube.com/@PUSDOfficialChannel)
10 @PUSDOfficialChannel, as of the date of this stipulation are authenticated.

11 5. Peoria Unified School District Governing Board meeting
12 agendas and meeting minutes posted on the District's website,
13 <https://go.boarddocs.com/az/pusd11/Board.nsf/Public#>, as of the date of this
14 stipulation are authenticated.

15 6. The parties agree to make reasonable efforts to have the
16 relevant Board meeting videos, or portions of them, transcribed.

17 7. Discovery is limited to: Each side may have 5 interrogatories
18 and 10 requests for admission.

19 8. If the parties believe they need to request identified documents
20 for production, they will confer in good faith.

21 9. The parties agree not to take depositions in this case.
22

1 10. The parties agree to the following schedule for serving discovery
2 requests and for filing summary judgment motions:

3 **Jan. 16, 2023:** Deadline to serve discovery requests.

4 **Mar. 14, 2024:** Plaintiff's deadline to move for summary judgment.

5 **Apr. 11, 2024:** Defendant's deadline to file combined response and,
6 optionally, cross-motion for summary judgment

7 **May 2, 2024:** Plaintiff's deadline to file combined reply and, if
8 needed, response to motion for summary judgment

9 **May 17, 2024:** Defendant's deadline to file a reply in support of
10 cross-motion for summary judgment (if applicable).

11 The parties respectfully request that the Court excuse them from the
12 discovery planning conference and a more detailed discovery plan under
13 Federal Rule of Civil Procedure 26(f).

14 A proposed form of order adopting the foregoing protocols and
15 deadlines accompanies this stipulation.

1 Dated: December 11, 2023

Respectfully submitted,

2
3 /s/ Andrew W. Gould
4 Andrew W. Gould
5 HOLTZMAN VOGEL BARAN
6 TORCHINSKY & JOSEFIK PLLC
7 2575 East Camelback Rd,
8 Ste 860
9 Phoenix, AZ 85016
10 Telephone: (602) 388-1262
11 State Bar No. 013234
12 *agould@holtzmanvogel.com*

13 David J. Hacker
14 *(admitted pro hac vice)*
15 Lea E. Patterson
16 *(admitted pro hac vice)*
17 FIRST LIBERTY INSTITUTE
18 2001 W. Plano Parkway
19 Ste. 1600
20 Plano, TX 75075
21 Telephone: (972) 941-4444
22 *dhacker@firstliberty.org*
lepatterson@firstliberty.org

/s/ Allyson N. Ho
Allyson N. Ho *(admitted pro hac vice)*
Bradley G. Hubbard *(admitted pro hac vice)*
Matthew Scorcio *(admitted pro hac vice)*
Elizabeth A. Kiernan *(admitted pro hac vice)*
Stephen J. Hammer *(admitted pro hac vice)*
Bryston C. Gallegos *(admitted pro hac vice)*
Jason J. Muehlhoff *(admitted pro hac vice)*
GIBSON, DUNN & CRUTCHER LLP
2001 Ross Avenue, Suite 2100
Dallas, Texas 75201
Telephone: (214) 698-3100
Facsimile: (214) 571-2900
aho@gibsondunn.com
bhubbard@gibsondunn.com
mscorcio@gibsondunn.com
ekiernan@gibsondunn.com
shammer@gibsondunn.com
bgallegos@gibsondunn.com
jmuehlhoff@gibsondunn.com

Attorneys for Plaintiff

16 /s/ James D. Smith (with permission)
17 James D. Smith
18 David D. Garner
19 Sarah P. Lawson
20 OSBORN MALEDON, P.A.
21 2929 North Central Avenue, Suite 2000
22 Phoenix, Arizona 85012
Attorneys for Defendant

Attorneys for Defendant